

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

PRISCILLA STERLING, RAINE BECKER,
SHAWN MILLER, AND JOHN BENNETT,
INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED,

Plaintiffs,

vs.

THE CITY OF JACKSON, MISSISSIPPI;
CHOKWE A. LUMUMBA; TONY YARBER;
KISHIA POWELL; ROBERT MILLER; JERRIOT
SMASH; SIEMENS INDUSTRY, INC.; AND
TRILOGY ENGINEERING SERVICES LLC.,

Defendants.

Civil No. 3:22-cv-531-KHJ-MTP

**PLAINTIFFS' RESPONSE IN
OPPOSITION TO SIEMENS
INDUSTRY, INC.'S
MOTION TO DISMISS
PLAINTIFFS' COMPLAINT**

Plaintiffs Priscilla Sterling, Raine Becker, Shawn Miller, and John Bennett, individually and on behalf of all other similarly situated, (“Plaintiffs”) bring claims against Defendant Siemens Industry Inc. (“Siemens”) for traditional and professional negligence.

The parties set a briefing schedule (dkt. 24–25) which was granted and Siemens moved to dismiss (dkt. 26).

Plaintiffs, by and through their undersigned counsel and pursuant to L.U. Civ. R. 7 and Fed. R. Civ. P. 12(b)(6), hereby submit this Response in Opposition to Siemens Motion and a Memorandum in Support of its position. As outlined in that Memorandum, Siemens’ motion fails to raise an issue of law that could justify dismissal, ignores key claims from Plaintiffs’ complaint, and overlooks allegations that preclude dismissal at this stage. Plaintiffs hereby incorporate the accompanying Memorandum of Opposition to the Motion into this response.

WHEREFORE, Plaintiffs respectfully request that this Court deny Siemens’ Motion to Dismiss. Should this Court grant Siemens’ motion in any respect, Plaintiffs request leave to amend their pleading to cure any defects.

Dated: January 23, 2023

Respectfully submitted,

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Attorneys for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I, Jacob H. Polin, declare as follows:

I am employed in the law firm of Lieff Cabraser Heimann & Bernstein, LLP, whose address is 275 Battery Street, 29th Floor, San Francisco, California 94111-3339. I am readily familiar with the business practices of this office. At the time of transmission, I was at least eighteen years of age and not a party to this action.

On January 23, 2023 I directed that the foregoing document be filed via the U.S. District Court's CM/ECF electronic system and a copy thereof was served upon all counsel of record:

**PLAINTIFFS' RESPONSE IN OPPOSITION TO SIEMENS INDUSTRY, INC.'S
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on January 23, 2023.

/s/ Jacob H. Polin
Jacob H. Polin